

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**DAVID AGOADO, LEEANN MCNALLY,
CRAIG MOORE, CHRIS PIERRE,
THOMAS SHARKEY AND DOREEN
VAZQUEZ**, individually and on behalf of all
others similarly situated,

Plaintiffs,

- against -

**MIDLAND FUNDING, LLC, MIDLAND
FUNDING, LLC DBA IN NEW YORK AS
MIDLAND FUNDING OF DELAWARE,
LLC, MIDLAND CREDIT
MANAGEMENT, INC., RUBIN &
ROTHMAN, LLC, FORSTER & GARBUS
LLP, COHEN & SLAMOWITZ, LLP and
PRESSLER AND PRESSLER LLP**

Defendants.

Civil Action No. 2:14-cv-00018-WFK-ST

**ATTORNEY DECLARATION OF
MATTHEW B. JOHNSON**

I, Matthew B. Johnson, declare under penalty of perjury:

1. I am an attorney admitted to practice before this Court and am senior counsel with the firm of Gordon Rees Scully Mansukhani, LLP, attorneys for Defendants Midland Funding LLC, Midland Funding, LLC d/b/a in New York as Midland Funding of Delaware, LLC and Midland Credit Management, Inc. (collectively, "Midland"). I am familiar with this case and I submit this declaration in support of Midland's Memorandum of Law in Support of its Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56.

2. Attached are true and accurate copies of documents that are referenced in Midland's Local Rule 56.1 Statement of Material Facts and Midland's Memorandum of Law in Support of its Motion for Summary Judgment:

1. Johnson-Agoado Ex. A: Default judgment entered against Agoado as to his former HSBC account in Case No. 765/12, dated Aug. 28, 2012.

2. Johnson-Agoado Ex. B: Default judgment entered against Agoado as to his former Chase account in Case No. 767/12, dated August 28, 2021.
3. Johnson-Sharkey Ex. A: Default judgment entered against Sharkey as to his former Bank of America account in Case No. 50922/12, dated May 29, 2012.
4. Johnson-Sharkey Ex. B: Voluntary Petition for Chapter 7 Bankruptcy from Case No. 8-19-75076-las (Bankr. E.D.N.Y.), dated July 19, 2019.
5. Johnson-Sharkey Ex. C: Final Decree discharging trustee and closing Sharkey's Chapter 7 case from Case No. 8-19-75076-las (Bankr. E.D.N.Y.), dated Nov. 6, 2019.
6. Exhibit M-A: Excerpts of the deposition of Midland Corporate Representative Xenia Murphy, taken on June 25, 2015.
7. Exhibit M-B: Excerpts of the deposition of former Midland employee/current Midland temporary employee Ashley M. Hoffman, taken on February 26, 2016.
8. Exhibit M-C: Excerpts of the deposition of Midland in-house counsel N. Rita Melconian, taken on March 16, 2016.
9. Exhibit M-D: Excerpts of the deposition of Joel Leiderman, senior associate attorney at co-defendant Forster & Garbus, LLP.
10. Exhibit M-E: Excerpts of the deposition of Frank Rothman, attorney and executive director of co-defendant Rubin & Rothman, LLC.
11. Exhibit M-F: Excerpts of the deposition of David B. Warshaw, partner and chief compliance officer of co-defendant Pressler & Pressler, LLP.
12. Exhibit M-G: Excerpts of the deposition of Mitchell Selip, partner at co-defendant Selip & Stylianou, LLP, f/k/a Cohen & Slamowitz, LLP.

13. Exhibit M-H: Excerpts of the deposition of David A. Cohen, partner at co-defendant Selip & Stylianou, LLP, f/k/a Cohen & Slamowitz, LLP.
14. Exhibit M-I: Excerpts of the deposition of Scott Miller, collection manager of Forster & Garbus, LLP.
15. Exhibit M-J: Excerpts of the deposition of Plaintiff David Agoado (with selected exhibits thereto).
16. Exhibit M-K: Excerpts of the deposition of Plaintiff LeAnn (DeRosa) McNally (with selected exhibits thereto).
17. Exhibit M-L: Excerpts of the deposition of Plaintiff Craig Moore (with selected exhibits thereto).
18. Exhibit M-M: Excerpts of the deposition of Plaintiff Christopher Pierre (with selected exhibits thereto).
19. Exhibit M-N: Excerpts of the deposition of Plaintiff Thomas Sharkey (with selected exhibits thereto).
20. Exhibit M-O: Excerpts of the deposition of Plaintiff Doreen Vazquez (with selected exhibits thereto).

Respectfully submitted,

Dated: Astoria, New York
November 26, 2021

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